



October 4, 2018

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

**Re: *Ex Parte* Communication: WC Docket Nos. 10-90, 14-58, 07-135, 17-144, 16-143, and 05-25, and CC Docket 01-92**

Dear Ms. Dortch:

On October 2, 2018, Genny Morelli and the undersigned of ITTA met with Jay Schwarz of the Office of Chairman Pai regarding the Notice of Proposed Rulemaking (NPRM) in WC Docket Nos. 10-90, 14-58, 07-135, and CC Docket 01-92,<sup>1</sup> and the draft Report and Order in WC Docket Nos. 17-144, 16-143, and 05-25.<sup>2</sup> On October 4, 2018, Genny Morelli and the undersigned of ITTA also spoke by telephone with Nick Degani of the Office of Chairman Pai regarding the same proceedings.

During the discussions, we reiterated various points raised in ITTA's comments on the *Rate-of-Return Budget NPRM*.<sup>3</sup> We also addressed timing considerations associated with any further offer to fund current participants in the A-CAM program to \$200 per eligible location, as well as with respect to elections in response to any second A-CAM program offer.

We expressed general support of the recently issued Draft Business Data Services R&O, though we reiterated that rate-of-return carriers eligible to voluntarily elect to transition their business data services offerings out of rate-of-return regulation<sup>4</sup> should be provided an annual transition opportunity,<sup>5</sup> consistent with their ability to convert to price cap regulation at any time.

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<sup>1</sup> *Connect America Fund et al.*, Report and Order, Third Order on Reconsideration, and Notice of Proposed Rulemaking, FCC 18-29 (Mar. 23, 2018) (*Rate-of-Return Budget NPRM*).

<sup>2</sup> *Regulation of Business Data Services for Rate-of-Return Local Exchange Carriers, Business Data Services in an Internet Protocol Environment, Special Access for Price Cap Local Exchange Carriers*, Report and Order, Second Further Notice of Proposed Rulemaking, and Further Notice of Proposed Rulemaking, FCC-CIRC1810-06 (Public Draft Oct. 2, 2018) (Draft Business Data Services R&O).

<sup>3</sup> See Comments of ITTA – The Voice of America's Broadband Providers, WC Docket Nos. 10-90, 14-58, and 07-135, CC Docket No. 01-92 (May 25, 2018).

<sup>4</sup> See Draft Business Data Services R&O at 2, para. 1 n.1.

<sup>5</sup> See, e.g., Comments of ITTA and USTelecom, WC Docket No. 17-144, at 24 (June 18, 2018); ITTA – The Voice of America's Broadband Providers and USTelecom – the Broadband Association, Petition for Rulemaking, WC Docket No. 17-144, Appx. at 1 (filed May 25, 2017) (proposed 47 CFR § 61.50(b)).

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Please do not hesitate to contact the undersigned with any questions regarding this submission.

Respectfully submitted,

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Michael J. Jacobs  
Vice President, Regulatory Affairs

cc: Nick Degani  
Jay Schwarz